

Summary of Proposed Changes to Town of Tolland Zoning Bylaw

Type of Change	Description of Proposed Change
Deletion	A previous bylaw provision was removed
Addition	A new provision/section added
Modified	Provision or wording modifications with an impact.
Wording changes (for clarity, but no effective change)	Wording revised for improved clarity No impact.
Conform to Mass. General Law (MGL) or Make Mass. Gen. Law provisions clear.	Bring Tolland Bylaw into conformance with new Mass. General Laws/documents or make applicable Mass. GL explicit

Section	Old Bylaw Page	New Page	Type of Change	Description of Change	Rationale	Impact
I. Purpose	3		Additions	<ul style="list-style-type: none">Added buildings to stabilize value of land and buildingsAdded “conserve the natural resources, protect scenic view, and protect environment	Expanded Goal	General
II A. Presently Existing Structure	3		Conform to MGL	<ul style="list-style-type: none">Added last zoning bylaw change date	Make MGL explicit	None. Mass Gen. Law currently applies.
II B. Applicability of Amendments and Revisions	3		Conform to MGL	<ul style="list-style-type: none">Incorporate Mass. GL defining when amendments/revisions to bylaw take effect (i.e. at first notice of Public Hearing on amendment)	Make MGL explicit	Prohibits applications under old bylaw provisions once Public Hearings announced on Bylaw changes. Note: Jeff.... I wonder whether you think this kind of explanation is better than the one above or below .
II C. Conformance of Construction or Operations Under a Building or Special Permit			Conform to MGL	Defines time frames under which existing construction/Special Permits must confirm to bylaw amendments	Make MGL explicit.	None. MGL currently applies. Provision simply added to bylaw
Section III – Zoning Districts	3		No change	No change		
Section IV: Definitions	3 – 7		Additions/Wording Changes	Added definitions for completeness; changed some definitions: List additions and changes	Completeness. Accuracy and Clarity	
Section V – Table of Land Use Regulations	8		Additions, Changes and Deletions	Section 1 <ul style="list-style-type: none">Changed wording from “Yes, SPA, SP and NO” to	<ul style="list-style-type: none">ClarityAdditional purposes	

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				<ul style="list-style-type: none">○ Permitted by Right○ Permitted by Right with Site Plan Approval○ Permitted with Special Permit and Site Plan Approval○ Prohibited <p>Section 4</p> <ul style="list-style-type: none">• Site Plan Approval and conformance with Table of Dimensional requirements made explicit <p>Section 5</p> <ul style="list-style-type: none">• Makes farm building setback and Site Plan requirements explicit <p>Section 6</p> <ul style="list-style-type: none">• Adds “offensive illumination” to prohibitions•		
Section V – Table of Land Use	9 -11		Reformatted New terminology Additions, Changes & Deletions	<ul style="list-style-type: none">• See Column 1 in proposed table for description of all changes. All changes in Bold text in Table• Removed Home Occupation footnote. See Section VII K for expanded requirements.	<ul style="list-style-type: none">• Clarity of requirements• Increased specificity for clarification; differentiate between a business operating <i>within</i> (e.g. dress maker) vs. operating <i>from</i> a business operating from a home (e.g. General Construction)	

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Section VI - Table of Dimension Requirements	12		Reformatted Addition Deletion	<ul style="list-style-type: none"> No changes in frontage or other dimension requirements Added definition of Corner Lot and Lot facing 2 or more streets Accessory buildings section moved to new Section VII ? 	<ul style="list-style-type: none"> Clarify corner lot frontage conditions. Clarify Accessory Building Requirements in new section. 	Requirements for frontage and setbacks defined.
VII. A General Regulations – Nonconforming Uses	12 - 13		<ul style="list-style-type: none"> Conform to MGL Wording changes for clarity 	<ul style="list-style-type: none"> Section 3. Changed time period from one to two years for abandonment or discontinued use (per MGL) Section 5: Added Board of Appeals discretion to extend 2 year limit No other substantive changes 	<ul style="list-style-type: none"> Conform to state law Clarity 	
VII B 1. General Provisions for New Buildings	13		Wording changes to conform to state law.	Changes in names of Laws and Codes from Uniform Building Code to Mass. Building Code, Title 5 .	Conform to Mass. Building Code	None.
VII B. 2 – Occupancy of Dwelling during Construction	13		Word changes to conform to state Law.	Insertion of term Temporary Certificate of Occupancy as required by Mass. Building Code (replacing Board of Health Regulations)	Conform to Mass. Building Code requirements.	
VII.B.3 Occupancy of Temporary Structure during Construction			Modified	<ul style="list-style-type: none"> Requires Planning Board approval to occupy a Temporary Dwelling during construction. Establishes a 12 month maximum occupancy of Temporary Dwelling. 	Limit temporary dwellings and assure Health Code compliance.	Permit required. Time limit on temporary dwelling occupancy during construction.of permanent residence. No temporary dwellings permitted for non-residential structures.
VII. C – Earth Removal	14 - 15		Modified	ADD CONTENT		
VII D- Mobile Homes, Recreation Vehicles and Houseboats	15		Modified Addition	Section 1 <ul style="list-style-type: none"> Requires Planning Board permission for temporary dwelling while constructing a permanent residence. Makes language 	<ul style="list-style-type: none"> Remove possibility of Houseboats and residences Prohibit mobile 	

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				<div>compatible with VII B 3.</div> <ul style="list-style-type: none">• Adds prohibition of Houseboats as temporary or permanent residence <div>Section 2</div> <ul style="list-style-type: none">• Removes option to replace existing occupied Mobile Homes with new ones	home replacement	
VII E: Commercial Recreation	15 – 17		Modified Wording changes	<ul style="list-style-type: none">• Simplified• Clarifies application process• Exempts events by Town Depts. and charities for Special Permit, requiring only Selectmen approval.• 		
VII F: Signs	17 -18		Wording Changes Additions	<ul style="list-style-type: none">• Section 1 a: Increases size of owner name on residence from 1 to 2 sq. ft.• Section 2: Decreases maximum size of signs by Special Permit from 40 to 30 sq. ft. Allows one off-site directional sign with maximum 6 sq ft size on private property with owner approval• Section 1 b: Makes Home Occupation sign requirements compatible with Home Occupation section VII K.• Section 3 a. 1): Prohibits balloon-like animated objects• Section 3 b. 3): Requires removal of construction and contractor signs within 2 weeks or work completion or issuance of occupancy permit• Section 4 b: Prohibits signs on traffic signs		
VII G: View Obstruction an			Additions	<ul style="list-style-type: none">• Adds fences and other plantings		

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Corner Clearance			Confirm to MGL	<ul style="list-style-type: none">• Makes requirements more explicit		
VII H. Parking Requirements			Modified	<ul style="list-style-type: none">• Requires adequate off-street parking based on building use to be determined by Planning Board• Eliminates requirement for parking lot to be twice new building size in new construction		
VII. I: Storage			No change	No change		
VII. J: Driveways	None		New Section	<ul style="list-style-type: none">• Establishes safety and design requirements for driveways to assure integrity and safety of public ways and emergency vehicle access• Allows Common Driveways by Special Permit when more appropriate than one driveway per lot.• Requires restrictive covenants on common driveways be approved by Planning Board• Requires Driveway Permit before construction• Establishes Highway Supt. as enforcement officer for driveways.• Requires driveway completion before Certificate of Occupancy issued	Safety Protection of Town Roads	
VII K: Home Occupation	Footnote to Table of Land Use – Page 5		New Section	<ul style="list-style-type: none">• Define Home Occupation with examples• Differentiate occupation within a residence from businesses operating from a residence or on the property• Define conditions	Assure Special Permits are obtained with appropriate and compatibility with neighborhood	
VII L: Accessory Apartments	None		New Section	<ul style="list-style-type: none">• Allows one Accessory Apartment per lot by Special Permit		

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				<ul style="list-style-type: none">• Requires owner occupancy• Defines conditions, compatibility with neighborhood and parking• Requires recording in Registry of Deeds• Renewable with proof of owner occupancy (5 year permit)• Defines application requirements for Special Permit• Requires new owner to apply for Special Permit for continued use		
VII M: Fences	None		New section	<ul style="list-style-type: none">• Makes Massachusetts Building Code requirements explicit		
VIII A: Special Permits	20-22		Modified Additions Word changes for clarity. Confirm to Mass. GL.	<ul style="list-style-type: none">• Section 2. a: Added to encourage pre-application meeting with Planning Board to clarify requirements• Section 2 b: Makes application filing requirements more explicit and refers to new Applicant’s Guide. Differentiates requirements for Personal Wireless Services Facility defined in Section XII.• Section 2 c: Added to clarify effective date as defined by Mass GL• Section 2 d: Requires filing fee to cover expenses. Details in Planning Board rules and regulations.• Section 3 a: Addition to requires Public Hearing notice to be posted on town website in addition to usual places.• Section 3 g: Added to permit Planning Board to request		

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				<p>additional information</p> <ul style="list-style-type: none">• Section 3 h: Added to allow site visits by Planning Board and other officials/departments• Section 3 i: Added to allow Planning Board to require applicant to pay “project review fee” for expert advice and consulting to Planning Board for complex projects.• Section 3 j: (called Site Considerations in current Bylaw) Defines Specific Findings required by Planning Board before granting Special Permit.• Section 4: Makes Site Plan requirements for Special Permits more explicit• Section 5: Conditions, Safeguards and Limitations. No change• Section 6: Decision and vote requirements. No change• Section 7: Construction Period. Wording change for clarity.• Section 8: Lapse of Permit No change• Section 9: Accessory Uses. No change.• Section 10: Renewal of Special Permits. Added to define renewal periods by kind of Special Permit.		
VIII B. Site Plan Approval for Applications not Requiring Special Permits	Previously combined with Site Plan		New Section	<ul style="list-style-type: none">• Section 1: Distinguishes between Site Plans required for applications not requiring Special Permits• Section 2: Defines requirements		

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	requirements for Special Permits on Page 24.			<ul style="list-style-type: none">• Section 3: Defines Applicant Actions• Section 4: Defines Planning Board Actions• Section 5: Requires Site Plan Approval before Building Permit issued.• Section 6: Construction Requirement period defined.• Section 7: Lapse of Approved Site Plan if construction not substantially commenced in two years.		
VIII C. Board of Appeals	25		Modified Wording changes and reorganization for clarity. Conform to Mass Gen. Law.	Section 1: Membership Reworded to reflect actual Town of Tolland practice rather than Mass Gen Law options. Section 2: Appeals No change Section 3: Authority to Grant a Variance No change Section 4: Meetings and Procedure <ul style="list-style-type: none">• Requires posting of hearings on Tolland website• Section 4 d. requires decision in 100 days (previously 75 days) per Mass GL		
VIII D. Repetitive Applications and Petitions	28		Addition	Added the term petitions to differentiate between Appeals and petitions about enforcement.		
IX. Administration	29		Wording changes Modifications	Section A: Enforcement <ul style="list-style-type: none">• Changes title from Building Inspector to Zoning Enforcement Officer/Building inspector to		

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				<p>conform to dual titles and reflect Use violations in addition to Building violations</p> <p>Section B: Penalties. Increases maximum penalty to \$300 per day per violation per Mass. Gen. Law</p> <p>Section C: Collection of Penalties. Allows non-criminal disposition of penalties (i.e. does not require going to Court). Permits tax liens on property for failure to pay fines and penalties.</p> <p>Section D: Approvals, Permits & Licenses:</p> <p>Section 1: Permits & Licenses</p> <ul style="list-style-type: none">• Adds “moved or altered” to permit requirements• States Site Plan Approval required but no Building Permit required for structures of less than 120 sq. ft <p>Section 2: Construction Completion Removes 2 year construction completion requirement per Mass. Building Code.</p>		
Section X: Amendment	29		No change	No change		
Section XI: Validity	29		No change	No change		
Section XII: Personal Wireless Services Facilities	None		No change	No change. Adopted in 2002.		
Statement on Subdivision Control Law in Effect	29		No change	No change		

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